

Message Text

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SUBJ: HUMAN RIGHTS: STATEMENT BY CHILEAN DELEGATION ON
WORKING GROUP REPORT

FOLLOWING IS THE FULL TEXT OF A LETTER AND STATEMENT BY THE
CHILEAN PERMREP, CIRCULATED TO ALL DELEGATIONS ON THE REPORT
OF THE AD HOC WORKING GROUP OF THE COMMISSION OF HUMAN
RIGHTS.

QTE: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
PROTECTION OF HUMAN RIGHTS IN CHILE

LETTER DATED 17 OCTOBER 1975 FROM THE PERMANENT REPRESENTATIVE
OF CHILE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-
GENERAL

FOLLOWING THE PUBLICATION AND CIRCULATION ON 7 OCTOBER
1975 OF THE PROGRESS REPORT OF THE AD HOC WORKING GROUP
APPOINTED BY THE COMMISSION ON HUMAN RIGHTS (A/10285)
TO INQUIRE INTO THE SITUATION OF HUMAN RIGHTS IN CHILE,
IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTION 3219 (XXIX)
OF 6 NOVEMBER 1974, I AM COMPELLED TO ISSUE THE ANNEXED
STATEMENT BY THE DELEGATION OF CHILE, WHICH I REQUEST YOU
TO CIRCULATE, TOGETHER WITH THIS LETTER, UNDER ITEM 12 OF
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THE AGENDA.

THE PROGRESS REPORT IS A PRELIMINARY VERSION OF THE REPORT WHICH IS TO BE SUBMITTED TO THE COMMISSION ON J HUMAN RIGHTS. ITS RELEVANCE AND VALIDITY WITH RESPECT TO ITEM 12 OF THE AGENDA OF THE PRESENT ASSEMBLY ARE TO BE DISCUSSED WHEN THE THIRD COMMITTEE TAKES UP THIS QUESTION.

I HAVE ALREADY ADDRESSED TO YOU A CNOTE CONTAINING A GENERAL ACCOUNT OF THE SITUATION OF HUMAN RIGHTS IN CHILE.)-534 9., BY DELEGATION WILL SUBMIT FULLER DOCUMENTATION TO THE THIRD COMMITTEE AND WILL MAKE ALL NECESSARY STATEMENTS BEFORE IT.

THE ANNEXED STATEMENT IS DESIGNED SOLELY TO ALLOW DELEGATIONS AND PUBLIC OPINION TO BE PROPERLY INFORMED ABOUT THIS QUESTION IN THE AFACE OF THE PUBLICATION, WHICH WE FEEL IS PREMATURE, OF THE PROGRESS REPORT, DURING THE PERIOD PRECEDING CONSIDERATION OF THIS ITEM BY THE GENERAL ASSEMBLY.

(SIGNED) ISMAEL HUERTA

VICE-ADMIRAL

AMBASSADOR, PERMANENT REPRESENTATIVE

ANNEX

STATEMENT BY THE DELEGATION OF CHILE

FOLLOWING THE SUBMISSIONS AND PUBLICATION OF THE PROGRESS REPORT OF THE AD HOC WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS, THE DELEGATION OF CHILE TO THE UNITED NATIONS IS COMPELLED, OUT OF RESPECT FOR THE TRUTH, TO MAKE THE FOLLOWING ADVANCE STATEMENT:

1. IN ACCORDANCE WITH THE LEGAL TRADITIONS AND LIBERAL SPIRIT OF ITS PEOPLE, THE GOVERNMENT OF CHILE DEEPLY RESPECTS THE RIGHTS OF ALL THE INHABITANTS OF THE NATIONAL TERRITORY. CONSEQUENTLY, DURING THE PRESENT EMERGENCY IN WHICH CHILE FINDS ITSELF AS A RESULT OF THE NEED TO REBUILD THE NATION AND TO RESTORE ITS INSTITUTIONAL NORMALITY, CHILE HAS PRUDENTLY IMPLEMENTED THE APPROPRIATE PROVISIONS OF ITS DOMESTIC LEGISLATION DESIGNED TO MEET SITUATIONS OF INTERNAL UNREST, WHICH CAME INTO FORCE LONG BEFORE THE PRESENT GOVERNMENT CAME INTO POWER.

2. THE CHILEAN GOVERNMENT CATEGORICALLY REJECTS THE ASSERTIONS CONTAINED IN THE PROGRESS REPORT AS BEING INACCURATE AND LACKING IN FOUNDATION.

THE SO-CALLED FACTS AND FINDINGS OF THE PROGRESS REPORT
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ARE BASED MAINLY ON HEARSAY EVIDENCE PROVIDED BY THE POLITICAL ENEMIES OF THE CHILEAN GOVERNMENT WHO HAVE BEEN OUT OF THE COUNTRY FOR A LONG PERIOD OF TIME. THIS IS SO OBVIOUS THAT THE PROGRESS REPORT ITSELF ADMITS THAT THE AD HOC WORKING GROUP WAS UNABLE TO VERIFY THE EXACTITUDE OF THE ALLEGATIONS MADE AGAINST THE CHILEAN GOVERNMENT BECAUSE IT HAD NOT VISITED THE TERRITORY. THIS ASSERTION IMMEDIATELY INVALIDATES THE SERIOUS ACCUSATIONS WHICH HAVE BEEN DISSEMINATED

IN SUCH PREMATURE FASHION.

IT MUST ALSO BE POINTED OUT THAT THE WORKING GROUP ENTERED INTO NO CONSULTATIONS WITH THE SECRETARY-GENERAL ON ANY SPECIFIC CASE AND CONFINED ITSELF TO ACCEPTING VAGUE ACCUSATIONS OF A GENERAL CHARACTER. THIS PROCEDURE HAS MADE IT IMPOSSIBLE FOR THE GOVERNMENT TO PROVIDE THE APPROPRIATE CLARIFICATIONS AND TO CORRECT ANY UNJUST SITUATIONS IN CASES WHERE THEY MIGHT HAVE EXISTED.

3. AT AN APPROPRIATE MOMENT, WHEN THE ITEM IS DISCUSSED IN THE UNITED NATIONS BODIES, THE CHILEAN DELEGATION WILL PROVIDE COMPLETE DATA ON THE PRESENT SITUATION OF HUMAN RIGHTS IN CHILE.

THE CHILEAN DELEGATION WILL ALSO DESCRIBE THE MEASURES WHICH HAVE BEEN ADOPTED TO RESTORE THE COUNTRY TO NORMALITY IN THE SHORTEST POSSIBLE TIME. IN SEEKING THIS OBJECTIVE, CHILE HAS EVEN FOUND IT NECESSARY TO FILL GAPS IN THE LEGISLATION AS IT EXISTED IN SEPTEMBER 1973, WITH A VIEW TO IMPROVING THE MEANS OF DEFENCE AVAILABLE TO PERSONS ON TRIAL.

4. THE CHILEAN GOVERNMENT HAS SCRUPULOUSLY KEPT OPEN THE CHANNELS OF COMMUNICATION WITH INTERNATIONAL ORGANIZATIONS FOR THE PURPOSE OF EXCHANGING INFORMATION. ON 31 JULY 1975 IT SENT THE SECRETARY-GENERAL A NOTE STATING THAT CHILE WAS READY, AS ALWAYS, TO REPLY TO ALL COMMUNICATIONS ADDRESSED TO IT BY THE SECRETARY-GENERAL UNDER THE NORMAL UNITED NATIONS PROCEDURE CONCERNING THE SITUATION OF PERSONS IN CHILE, IN MATTERS PERTAINING TO RESPECT FOR THEIR RIGHTS. THIS NOTE WAS SENT TO THE SECRETARY-GENERAL TO MAKE IT CLEAR THAT THE POSTPONEMENT UNTIL A MORE OPPORTUNE TIME OF THE VISIT OF THE WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS IN NO WAY SIGNIFIED ANY CHANGE IN THE POLICY FOLLOWED BY THE GOVERNMENT OF CHILE WITH RESPECT TO ALLEGATIONS CONCERNING HUMAN RIGHTS. CONSEQUENTLY, CHILE WILL ALLOW ALL INTERESTED PERSONS AND, A FORTIORI UNITED NATIONS BODIES

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TO MAKE INVESTIGATIONS OR TO SUBMIT PETITIONS TO THE GOVERNMENT OF CHILE REGARDING SPECIFIC SITUATIONS IN WHICH HUMAN RIGHTS HAVE BEEN OR MIGHT HAVE BEEN AFFECTED.

5. IN THE LAST TWO YEARS CHILE HAS OFFICIALLY ADMITTED TO THE COUNTRY THE INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, THE CONCILIATION COMMISSION OF THE INTERNATIONAL LABOUR ORGANISATION AND MANY OTHER PRIVATE GROUPS AND ANY INDIVIDUALS WISHING TO INFORM THEMSELVES OF THE CHILEAN SITUATION.

SPECIAL MENTION SHOULD BE MADE OF THE ACTIVITIES OF THE INTERNATIONAL RED CROSS WHICH, ON A PERMANENT BASIS, HAS VISITED THE DETENTION ESTABLISHMENTS IN CHILE AND, AS RECOGNIZED IN ITS REPORTS, HAS BEEN ABLE TO TALK IN PRIVATE WITH ALL PERSONS IT WISHED TO MEET.

6. ONCE AGAIN, THE CHILEAN DELEGATION REITERATES ITS CONVICTION,

ALREADY CONVEYED TO THE GENERAL ASSEMBLY BY ITS MINISTER
FOR FOREIGN AFFAIRS, THAT ONLY THE EXISTENCE OF A
UNIVERSAL PRE-ESTABLISHED AND NON-DISCRIMINATORY SYSTEM CAN
PERMIT THE OBJECTIVE VERIFICATION OF THE PROPER OBSERVANCE
OF HUMAN RIGHTS IN ALL COUNTRIES OF THE WORLD.

THUS, INVESTIGATIONS WOULD BE MADE NOT ONLY OF THOSE
NATIONS WHICH, THROUGH THEIR OWN CONVICTIONS AND TRADITIONS
ARE PREPARED TO ACCEPT THIS TYPE OF INITIATIVE BY INTERNATIONAL
ORGANIZATIONS, BUT ALSO OF CERTAIN STATES WITH ESTABLISHED
SYSTEMS WHICH DISREGARD WITH IMPUNITY THE HUMAN RIGHTS OF
THEIR INHABITANTS. UNQTE.

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